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Attorneys for Plaintiff (Movant),  
REBECCA ZULIM, M.D.

**IN THE UNITED STATES BANKRUPTCY COURT**  
**EASTERN DISTRICT OF CALIFORNIA**  
**FRESNO DIVISION**

In re

TULARE LOCAL HEALTHCARE  
DISTRICT dba TULARE REGIONAL  
MEDICAL CENTER,

Debtor.

Tax ID #: 94-6002897  
Address: 869 N. Cherry Street  
Tulare, CA 93274

Case No. 17-13797

DCN: DLM-1

Chapter 9

**DECLARATION OF DONALD L. MABRY  
IN SUPPORT OF MOTION FOR RELIEF  
FROM AUTOMATIC STAY UNDER  
11 U.S.C. § 362**

Date: March 1, 2018  
Time: 9:30 a.m.  
Place: 2500 Tulare Street, 5<sup>th</sup> Floor  
Fresno, CA 93721  
Courtroom: 13  
Department: B  
Judge: Hon. René Lastreto II

I, Donald L. Mabry, declare:

1. I am an attorney at law, licensed to practice before all courts of the State of California, and am employed by Farley Law Firm, attorneys of record for plaintiff (movant) herein, Rebecca Zulim, M.D.

**DECLARATION OF DONALD L. MABRY IN SUPPORT OF MOTION FOR RELIEF FROM AUTOMATIC  
STAY UNDER 11 U.S.C. § 362**

1           2.       I have personal knowledge of the matters set forth herein and I make this  
2 declaration of my personal knowledge, as based on court records or as otherwise noted herein. If  
3 called as a witness and duly sworn to testify as to the matters set forth herein, I could and would  
4 testify competently thereto.

5           3.       Attached as Exhibit A is a true and correct copy of correspondence sent to my law  
6 firm from the California Department of Fair Employment and Housing (“DFEH”) concerning  
7 Movant Rebecca Zulim, M.D., including a “Notice of Case Closure and Right to Sue” letter  
8 issued to Rebecca Zulim, M.D., dated October 31, 2017. Also included with the DFEH  
9 correspondence is a copy of Rebecca Zulim, M.D.’s complaint filed with the DFEH naming  
10 Tulare Local Healthcare District dba Tulare Regional Medical Center as a Respondent, among  
11 others.

12           4.       In substance, and as more completely set forth in the complaint filed with the  
13 DFEH, Movant alleges claims against Debtor, and others, arising out of circumstances in which  
14 she was effectively suspended by Debtor in retaliation for cooperating with California officials  
15 investigating Debtor’s patient care policies and procedures, a protected activity under California  
16 Health & Safety Code § 1278.5 (a “Whistleblower” statute). Movant also alleges denial of due  
17 process by Debtor, and others, because her effective suspension occurred without the physician  
18 peer review process required by Debtor’s Bylaws.

19           5.       I have reviewed documents filed in the above-captioned bankruptcy proceeding,  
20 including but not limited to motions for relief from the automatic stay filed by others. In  
21 connection with a motion for relief from the automatic stay filed under Docket Control Number  
22 ASM-1 [Docket Entry No. 60], which was later granted by the Court [Docket Entry Nos. 247 and  
23 257] sworn testimony was submitted to the Court regarding Debtor’s insurance status [Docket  
24 Entry No. 63, page 2; Docket Entry No. 64, page 22], in which Debtor’s insurance status is  
25 represented as follows:  
26

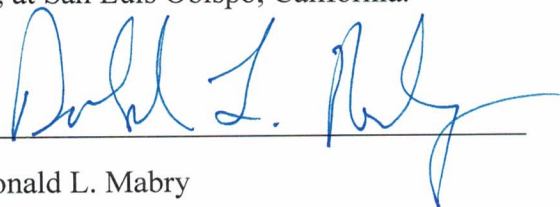
27           Pursuant to Government Code Section 6500 et seq. and Section 990 et seq., BETA  
28           Healthcare Group Risk Management Authority administers risk-sharing pools

1 under a joint powers agreement. Tulare District Hospital is a Member of this risk-  
2 sharing pool with \$10,000,000 limit of liability. The custodian of the coverage is  
3 BETA HealthCare Group, 1443 Danville Boulevard, Alamo, California, 94507,  
4 (925) 838-6070.

5 6. The California state court action Movant seeks to commence and prosecute against  
6 Debtor, and others, does not seek to enforce any judgment obtained against Debtor personally or  
7 Debtor's bankruptcy estate. Movant does not seek recovery from any property of Debtor. Movant  
8 seeks recovery from Debtor only from Debtor's insurance, if she proves the allegations in her  
9 action.

10 I declare under penalty of perjury under the laws of the State of California that the  
11 foregoing is true and correct.

12 Executed this 1st day of February, 2018, at San Luis Obispo, California.

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16 Donald L. Mabry